

Compensation.

And be it further enacted, That such assistant attorney general shall receive as a compensation in the premises one hundred and fifty dollars per annum, and also fifteen dollars for his services in the said controversy including disbursements to be paid out of the monies placed at the disposition of the governor by the act entitled "An act to provide for the entertainment of Indians visiting the seat of government of this State on business" passed the ninth day of March 1798.

CHAP. 30.

AN ACT to establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley, and to repeal the act therein mentioned.

PASSED the 15th of March, 1799.

Preamble.

WHEREAS the bridge over the Schoharie kill on the State road was by reason of the force of the water and ice last spring destroyed, *and whereas* the road on which the aforesaid bridge was erected is of public utility and is one of the principal routs of communication between the city of Albany and the western settlements of this State. Therefore

Great Western Turnpike Road Company incorporated.

Be it enacted by the People of the State of New York represented in Senate and Assembly that William North, John Taylor, Abraham Ten Eyck, Charles R. Webster, Calvin Cheesman, Zenas Pineo, Ephraim Hudson, Joseph White, Elihu Phinney and Thomas Maclin, and all such persons as shall associate for the purpose of making a good and sufficient road from the house where John Weaver now lives in the town of Water Vliet in the county of Albany following the State road westward to the house where John Walton now lives in the town of Cherry Valley in the county of Otsego shall and are hereby created and made a corporation and body politic in fact and in name by the name of President, Directors and First Company of the Great Western Turnpike Road, and the said corporation shall by that name be capable in law to purchase have hold enjoy and retain to them and their successors lands tenements and hereditaments, goods, chattels and effects of every kind whatsoever and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto defend and be defended in all courts of record or any other place whatsoever; *provided* that the lands so to be purchased as aforesaid shall be such only as may be necessary to carry into effect the object of this act, and shall not exceed in value the sum of two thousand dollars.

Commissioners to take subscriptions; election of directors.

And be it further enacted That William North, Charles R. Webster, John Taylor, Zenas Pineo, Elihu Phinney, Joseph White, Ephraim Hudson and Calvin Cheesman be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of July next procure five books and in each of them enter as follows, we whose names are hereunto subscribed do for ourselves and our legal representatives promise to pay to the President, Directors and Company of the Great Western Turnpike Road the sum of forty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be deter-

mined by the said president directors and company; and the said books shall be deposited with such persons and opened at such time and places as the said commissioners may direct and every subscriber shall at the time of subscribing pay unto either of the said commissioners ten dollars for each share so subscribed, and the said commissioners shall as soon as one hundred shares shall have been subscribed cause an advertisement to be inserted in one of the news papers printed in the city of Albany and in the newspaper printed in Coopers Town giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of managing the concerns of the said company for one year, and the day on which the directors shall be chosen shall for ever hereafter be the anniversary day for choosing directors, and the said directors, elected by a plurality of votes of the stockholders present shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, and shall have power to make such bye-laws, rules, orders & regulations, not inconsistent with the constitution or laws of this State or of the United States as may be necessary for the well ordering the affairs of the said corporation, *provided* that no bye laws or regulation shall give or allow more than ten votes to any one stockholder, and that each person shall be entitled to one vote for every share by him held under the said number;

And be it further enacted That not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of necessary absence in which case his place shall be supplied by another director whom he by writing under his hand shall nominate. Quorum.

And be it further enacted That the said president and directors may continue to receive subscriptions to the stock of the said corporation until two thousand shares shall have been subscribed. Limit of stock.

And be it further enacted That if it shall appear to the said president and directors, that if by deviating from the state road so called the distance between the places designated for the commencement and ending of the said road can be materially shortened, it shall be lawful for the president and directors to make such alterations as may be found necessary and to lay the road herein contemplated to be made in and through any inclosed improved or unimproved lands, and with their carriages beasts, tools and implements to enter in and upon any lands contiguous to the said road and to carry away any timber, stones, gravel, sand or other earth being more conveniently situated for making or repairing said road and to use the same in carrying on the said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road the value of the land or of the materials aforesaid as the case may be together with such reasonable sum for damages as may be agreed on, and in case of disagreement between the parties as to said value or damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree of two indifferent freeholders, to be mutually chosen or (if the owners of the said land or materials refuse or neglect to join in the choice) to be appointed by any justice of the peace of the county in which the lands or property in dispute shall lie. Change of route from State road.

And be it further enacted That it shall be lawful and it is hereby made the duty of the president and directors to make and repair the said road from the before named John Weavers in the town of Water-vliet, to the before named John Waltons in the town of Cherry Valley Manner of repairing road; bridge.

in the best manner their funds will admit, either by bedding the same or such part thereof as may be necessary with stone or other hard substance or by ditching on each side raising the low places, and digging down the hills in such manner as to make the same passable and convenient for loaded carriages, and the said president and directors are hereby empowered to commence their operations by making a good and sufficient bridge over the Schoharie kill at or near the place where the former bridge on said state road stood.

Order in which work to be done.

And be it further enacted That the said president and directors after compleating the bridge aforesaid may and shall continue their operations by making and repairing such part or parts of the said road as they may judge will be most conducive to the convenience of travellers and so from time to time until the whole is completed and finished.

Toll gate at bridge.

And be it further enacted That as soon as the bridge aforesaid shall be completed and finished it shall be lawful for the president and directors to erect a gate and turnpike upon and across the said bridge and to ask, demand and receive from all and every person and persons who shall cross said bridge the same tolls and duties herein after granted to the said corporation for every ten miles of said road.

Collection of toll at bridge.

And be it further enacted That as soon as the aforesaid bridge is completed and made fit and convenient for travellers to pass and re-pass the president and directors may appoint a toll gatherer to collect and receive of and from all and every person and persons crossing said bridge the tolls and duties herein after mentioned and no more.

Examination of road by direction of governor.

And be it further enacted That as soon as any part of the said road not less than ten miles in any place or part thereof is made passable and convenient as aforesaid, notice thereof may be given to the person administering the government of this State who shall thereupon forthwith nominate two or more persons to view the same, whose duty it shall be to report to him in writing whether that part of the said road is made and finished in a good and proper manner according to the true intent and meaning of this act and if their report be in the affirmative, then it shall be lawful for the person administering the government of this State by licence under his hand and the privy seal of the State to permit the said president, directors and company to erect and fix so many gates and turnpikes upon and across said road as will be necessary and sufficient to collect the duties and tolls herein after granted to the said corporation, from all persons travelling on the same, *provided* that such gates and turnpikes (except the turnpike on the bridge herein before mentioned) shall be erected at a distance not less than ten miles from each other.

Rates of toll.

And be it further enacted That as soon as the whole or any part of the said road shall be completed and permission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll gatherers to collect and receive of and from all and every person or persons using the said road the tolls and duties herein after mentioned and no more, that is to say, any number of miles not less than ten in length of said road the following sums of money, and so in proportion for any greater or lesser distance or for any greater or lesser number of sheep, hogs or cattle, to wit, for every score of sheep five cents; for every score of hogs five cents; for every score of cattle twelve cents; for every horse and rider or led horse four cents; for every sulkey, chair or chaise with one horse twelve cents; for every chariot, coach, coachee or phaeton twenty five cents; for every stage waggon or other four wheeled carriage drawn by two horses or oxen, twelve

cents, and three cents for every additional horse or ox; for every cart sleigh or sled drawn by two oxen or horses six cents, and for every additional horse or ox two cents; and it shall be lawful for any of the toll gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified, *provided* that nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm or to or from any mill.

And be it further enacted That it shall be lawful for the president and directors at any time after the completion of said bridge and road to lessen the rate of toll or duties or to take away one or more of the gates and turnpikes *provided* three fourths of the stockholders shall agree thereto. Reduction of rates and removal of gates.

And be it further enacted That the said corporation shall cause mile stones to be erected or placed one for each and every mile of the said road, on which they shall be permitted to place gates and turnpikes, and on each stone placed as aforesaid shall be fairly and legibly marked the distance of said stone from the city of Albany, and shall also erect guide posts at the intersection of each road leading into and from the said turnpike road, and to which post boards shall be attached on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the board points, and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of tolls which may be lawfully demanded. Mile-stones and guide-posts.

And be it further enacted That if any person or persons shall break or throw down or deface any of the mile stones, guide posts, hands or boards so erected for the information of the good of the people of this State, or shall cut break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar to be recovered by the treasurer of the corporation to their use in an action of trespass, and if any person shall with his team, carriage or horses turn out of said road to pass the said gates on ground adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act such person shall forfeit and pay three times as much as the legal toll for any such person in passing through such gate or turnpike as aforesaid, to be recovered by the treasurer of said corporation, for the use thereof in an action of debt. Wanton injury to stones, posts or gates.

And be it further enacted That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates or shall demand or receive more toll than is by this act established he shall for every such offence forfeit and pay the sum of five dollars to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed for the sole use of the person so unreasonably delayed, hindered or defrauded. Unreasonable delay by toll gatherer.

And be it further enacted That the shares in the said turnpike road shall be taken deemed and considered to be personal estate and shall and may be transferable, all such transfers shall be made and inserted on the books of the said president, directors and company. Stocks, transfer of.

Dividenda. *And be it further enacted* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders and of the time and place when and where the same will be paid and shall cause the same to be paid accordingly.

Statement to be filed with comptroller.

And be it further enacted That the said president and directors shall within six months after the said road is completed lodge in the comptrollers office of this State an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll with the annual disbursements on said road.

Dissolution of corporation.

And be it further enacted That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing making repairing and taking care of said road together with an interest thereon at the rate of fourteen per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this State and be and remain at their disposal *provided* that if the said corporation shall not proceed to build and finish the bridge aforesaid in two years after the passing of this act, or shall not within five years after the completion of the bridge aforesaid compleat the road aforesaid, according to the true intent and meaning of this act, then and in either of those cases this act shall cease be void and of no effect.

Act recited repealed.

And be it further enacted That the act entitled An act to establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley passed the fourth day of April, one thousand seven hundred and ninety eight be and the same is hereby repealed.

CHAP. 31.

AN ACT for the disposal of certain timber for the purpose of erecting a bridge over the Schoharie creek.

PASSED the 15th of March, 1799.

Preamble.

WHEREAS the commissioners appointed by the act entitled "An act for laying out, repairing and improving certain public roads and highways within this State" did appropriate the sum of five hundred pounds towards erecting a bridge over Schoharie creek near the house of Asa Waterman in the town of Florida; and whereas the said bridge has been broken up and removed: Therefore

Bridge over Schoharie creek in Florida.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That if any number of persons within the towns of Florida and Charleston in the county of Montgomery shall associate together, and before the first day of June next, obtain by subscription or otherwise, a sum sufficient in the opinion of the superintendents of highways for the county of Montgomery for erecting a bridge at or near the place, where the former bridge was erected, then all the right